

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION**

JEFFREY PESARIK  
Plaintiff,

v.

GLYNDA ROSENTHAL,  
Defendant.

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CASE NO. 4:08cv97

**MEMORANDUM ADOPTING REPORT AND  
RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE**

Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the United States Magistrate Judge pursuant to 28 U.S.C. § 636. On April 14, 2009, the report of the Magistrate Judge was entered containing proposed findings of fact and recommendations that Plaintiff's Motion for Default Judgment Under FRCP 55 (Dkt. 33) should be DENIED and that this case should be dismissed for lack of jurisdiction.

Having received the report of the United States Magistrate Judge, and no objections thereto having been filed, this Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and adopts the Magistrate Judge's report as the findings and conclusions of the Court. Therefore, Plaintiff's Motion for Default Judgment Under FRCP 55 (Dkt. 33) is DENIED and this case is DISMISSED for lack of jurisdiction.

**IT IS SO ORDERED.**

**SIGNED this 8th day of May, 2009.**



MICHAEL H. SCHNEIDER  
UNITED STATES DISTRICT JUDGE